HOUSE JOINT RESOLUTION NO. 48

INTRODUCED BY CODY, RASMUSSEN, WHALEN, GOULD, BOHARSKI, HANSEN, SQUIRES, BLOTKAMP, GOOD, J. BROWN, STICKNEY, LEE, SIMON, KNAPP, STRIZICH, MCCORMICK, RUSSELL, T. NELSON

IN THE HOUSE

APRIL 11, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.

FIRST READING.

APRIL 15, 1989 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

APRIL 17, 1989 PRINTING REPORT.

SECOND READING, DO PASS.

ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED. AYES, 97; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 18, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.

FIRST READING.

APRIL 19, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

ON MOTION, RULES SUSPENDED AND BILL PLACED ON SECOND READING THIS DAY.

SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN. AYES, 46; NOES, 2.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 20, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

L	Louise Joint Resolution No. 49 Wom & Boliver
2	INTRODUCED BY Codes Rasmung Whalen Whalen
3	Distances, Knappy
4	A POINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
6	INTERIM COMMITTEE TO STUDY THE IMPLICATIONS OF THE
7	COMMISSION FOR HUMAN RIGHTS' RULING IN WHEELER V. MONTANA
В	DEPARTMENT OF FAMILY SERVICES REGARDING PUBLIC AND PRIVATE
9	ADOPTION SERVICES IN THE STATE; AND REQUIRING THAT THE
0	COMMITTEE REPORT ITS FINDINGS TO THE 52ND LEGISLATURE.
1	
2	WHEREAS, in 1988, the Commission for Human Rights ruled
3	in Wheeler v. Montana Department of Family Services that
4	the Department had violated Title 49, chapters 2 and 3, MCA,
5	commonly known as the Human Rights Act and the Governmental
6	Code of Fair Practices, with regard to the denial of
7	adoption services on the basis of age, marital status, and
8	religion; and
9	WHEREAS, as a result of this ruling, the Department of
0	Family Services no longer provides adoption services for
1	infants under 1 year of age; and
2	WHEREAS, private adoption agencies in the state filed
23	amicus briefs in the case on behalf of the Department; and
24	WHEREAS, these private agencies are concerned that the
25	Wheeler ruling will be applied to their adoption services:

3	adoptive parents and adoptive children that all questions of
4	law be settled so that adoption services by the state and
5	private agencies may be readily available.
6	
7	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
8	OF REPRESENTATIVES OF THE STATE OF MONTANA:
9	That an appropriate interim committee be assigned to:
10	(1) examine current adoption policies and practices of
11	the Department of Family Services;
12	(2) evaluate existing laws in other states and court
13	cases in other jurisdictions pertaining to the adoption of
14	children, especially infants;
15	(3) determine whether the Department is entitled to
16	exemptions from the Human Rights Act and the Governmental
17	Code of Fair Practices with regard to use in adoptions of
18	such considerations as age, marital status, or religion;
19	(4) evaluate the rights of birth parents with respect
20	to the choice of adoptive parents; and
21	(5) evaluate the effects of the Wheeler ruling on
22	private adoption agencies.
23	BE IT FURTHER RESOLVED, that the interim committee
24	report its findings to the 52nd Legislature and present

and
WHEREAS, it is in the best interests of prospective
adoptive parents and adoptive children that all questions of
law be settled so that adoption services by the state and
private agencies may be readily available.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUS
OF REPRESENTATIVES OF THE STATE OF MONTANA:
That an appropriate interim committee be assigned to
(1) examine current adoption policies and practices o
the Department of Family Services;
(2) evaluate existing laws in other states and cour
cases in other jurisdictions pertaining to the adoption of
children, especially infants;
(3) determine whether the Department is entitled t
exemptions from the Human Rights Act and the Governmenta
Code of Fair Practices with regard to use in adoptions of
such considerations as age, marital status, or religion;

options for legislative consideration if the committee

-2- INTRODUCED BILL HJR 48

LC 1804/01

determines that options are necessary.

-End-

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APPROVED BY COMM. ON HUMAN SERVICES AND AGING

HOUSE JOINT RESOLUTION NO. 41 W/m E BEL

INTRODUCED BY 2 3 ESENTATIVES OF 5 STATE OF MONTANA REQUESTING 6 INTERIM COMMITTEE TO STUDY THE IMPLICATIONS 7 COMMISSION FOR HUMAN RIGHTS' RULING IN WHEELER V. MONTANA DEPARTMENT OF FAMILY SERVICES REGARDING PUBLIC AND PRIVATE Я 9 ADOPTION SERVICES IN THE STATE; AND REQUIRING THAT THE COMMITTEE REPORT ITS FINDINGS TO THE 52ND LEGISLATURE. 10 11 12 WHEREAS, in 1988, the Commission for Human Rights ruled in Wheeler v. Montana Department of Family Services that 13 the Department had violated Title 49, chapters 2 and 3, MCA, 14 15 commonly known as the Human Rights Act and the Governmental 16 Code of Fair Practices, with regard to the denial of 17 adoption services on the basis of age, marital status, and 18 religion; and WHEREAS, as a result of this ruling, the Department of 19 20 Family Services no longer provides adoption services for 21 infants under 1 year of age; and 22 WHEREAS, private adoption agencies in the state filed 23 amicus briefs in the case on behalf of the Department; and 24 WHEREAS, these private agencies are concerned that the 25 Wheeler ruling will be applied to their adoption services;

2	WHEREAS, it is in the
3	adoptive parents and adopt
4	law be settled so that
5	private agencies may be re
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7	NOW, THEREFORE, BE IT RESC
8	OF REPRESENTATIVES OF THE
9	That an appropriate
10	(1) examine current
11	the Department of Family S
12	(2) evaluate existin
13	cases in other jurisdict
14	children, especially infan
15	(3) determine whethe
16	exemptions from the Hum
17	Code of Fair Practices wit
18	such considerations as age
19	(4) evaluate the ri
20	to the choice of adoptive
21	(5) evaluate the eff
22	private adoption agencies.
23	BE IT FURTHER RESO

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and WHEREAS, it is in the best interests of prospective ptive parents and adoptive children that all questions of be settled so that adoption services by the state and vate agencies may be readily available. , THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE REPRESENTATIVES OF THE STATE OF MONTANA: That an appropriate interim committee be assigned to: (1) examine current adoption policies and practices of Department of Family Services; (2) evaluate existing laws in other states and court es in other jurisdictions pertaining to the adoption of ldren, especially infants; (3) determine whether the Department is entitled to mptions from the Human Rights Act and the Governmental e of Fair Practices with regard to use in adoptions of h considerations as age, marital status, or religion; (4) evaluate the rights of birth parents with respect

(5) evaluate the effects of the Wheeler ruling on

BE IT FURTHER RESOLVED, that the interim committee

report its findings to the 52nd Legislature and present

options for legislative consideration if the committee

he choice of adoptive parents; and

SECOND READING -2LC 1804/01

determines that options are necessary.

-End-

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1	HOUSE JOINT RESOLUTION NO. 41 WIME BOD
2	INTRODUCED BY Code Rasmuna Whalen Walen
3	The street aire of the street
4	A DOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
6	INTERIM COMMITTEE TO STUDY THE IMPLICATIONS OF THE
7	COMMISSION FOR HUMAN RIGHTS' RULING IN WHEELER V. MONTANA
8	DEPARTMENT OF FAMILY SERVICES REGARDING PUBLIC AND PRIVATE
9	ADOPTION SERVICES IN THE STATE; AND REQUIRING THAT THE
10	COMMITTEE REPORT ITS FINDINGS TO THE 52ND LEGISLATURE.
11	
12	WHEREAS, in 1988, the Commission for Human Rights ruled
13	in Wheeler v. Montana Department of Family Services that
14	the Department had violated Title 49, chapters 2 and 3, MCA,
15	commonly known as the Human Rights Act and the Governmental
16	Code of Fair Practices, with regard to the denial of
17	adoption services on the basis of age, marital status, and
18	religion; and
19	WHEREAS, as a result of this ruling, the Department of
20	Family Services no longer provides adoption services for
21	infants under 1 year of age; and
22	WHEREAS, private adoption agencies in the state filed
23	amicus briefs in the case on behalf of the Department; and
24	WHEREAS, these private agencies are concerned that the
25	Wheeler ruling will be applied to their adoption services;

WHEREAS, it	is in the best inte	rests of	prospective
adoptive parents	and adoptive children	that all	questions of
law be settled	so that adoption ser	vices by t	he state and
private agencies	may be readily availa	ıble.	

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee se assigned to:

- (1) examine current adoption policies and practices of the Department of Family Services;
- (2) evaluate existing laws in other states and court cases in other jurisdictions pertaining to the adoption of children, especially infants;
- (3) determine whether the Department is entitled to exemptions from the Human Rights Act and the Governmental Code of Fair Practices with regard to use in adoptions of such considerations as age, marital status, or religion;
- 19 (4) evaluate the rights of birth parents with respect 20 to the choice of adoptive parents; and
- 21 (5) evaluate the effects of the Wheeler ruling on private adoption agencies. 22
 - BE IT FURTHER RESOLVED, that the interim committee report its findings to the 52nd Legislature and present options for legislative consideration if the committee

LC 1804/01

determines that options are necessary.

-End-

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1	HOUSE JOINT RESOLUTION NO. 48
2	INTRODUCED BY CODY, RASMUSSEN, WHALEN, GOULD,
3	BOHARSKI, HANSEN, SQUIRES, BLOTKAMP, GOOD, J. BROWN,
4	STICKNEY, LEE, SIMON, KNAPP, STRIZICH, MCCORMICK,
5	RUSSELL, T. NELSON
6	
7	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
8	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
9	INTERIM COMMITTEE TO STUDY THE IMPLICATIONS OF THE
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17	the Department had violated Title 49, chapters 2 and 3, MCA,
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19	Code of Fair Practices, with regard to the denial of
20	adoption services on the basis of age, marital status, and
21	religion; and
22	WHEREAS, as a result of this ruling, the Department of
23	Family Services no longer provides adoption services for
24	infants under 1 year of age; and
25	WHEREAS, private adoption agencies in the state filed

amicus briefs in the case on behalf of the Department; and
WHEREAS, these private agencies are concerned that the
Wheeler ruling will be applied to their adoption services;
and
WHEREAS, it is in the best interests of prospective
adoptive parents and adoptive children that all questions of
law be settled so that adoption services by the state and
private agencies may be readily available.
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA:

the Department of Family Services;

15 (2) evaluate existing laws in other states and court cases in other jurisdictions pertaining to the adoption of 16 17 children, especially infants;

That an appropriate interim committee be assigned to:

(1) examine current adoption policies and practices of

- (3) determine whether the Department is entitled to exemptions from the Human Rights Act and the Governmental Code of Fair Practices with regard to use in adoptions of such considerations as age, marital status, or religion;
- 22 (4) evaluate the rights of birth parents with respect 23 to the choice of adoptive parents; and
- 24 (5) evaluate the effects of the Wheeler ruling on private adoption agencies.

HJR 0048/02

BE IT FURTHER RESOLVED, that the interim committee
report its findings to the 52nd Legislature and present
options for legislative consideration if the committee
determines that options are necessary.

-End-